

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

To:

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EIPD
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WRITTEN OPINION
(PCT Rule 66)

Date of mailing
(day/month/year) 09.02.2004

Applicant's or agent's file reference
CM00880P

REPLY DUE within 2 month(s)
from the above date of mailing

International application No.
PCT/EP 03/01612

International filing date (day/month/year)
18.02.2003

Priority date (day/month/year)
05.03.2002

International Patent Classification (IPC) or both national classification and IPC
H04N7/26

Applicant
MOTOROLA INC

1. This written opinion is the **first** drawn up by this International Preliminary Examining Authority.
2. This opinion contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

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3. The applicant is hereby **invited to reply** to this opinion.

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also: For an additional opportunity to submit amendments, see Rule 66.4.
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.
For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.

4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 05.07.2004

Name and mailing address of the international preliminary examining authority:



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I. Basis of the opinion

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"*):

Description, Pages

1-25 as originally filed

Claims, Numbers

1-10 as originally filed

Drawings, Sheets

1/5-5/5 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

5. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

6. Additional observations, if necessary:

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims	6-10
Inventive step (IS)	Claims	
Industrial applicability (IA)	Claims	

2. Citations and explanations**see separate sheet**

**WRITTEN OPINION
SEPARATE SHEET**

International application No. PCT/EP03/01612

The examination is being carried out on the **following application documents:**

Text for the Contracting States:

AL AT BE BG CH CY CZ DE DK EE ES FI FR GB GR HU IE IT LI LT LU LV MC MK NL PL PT RO SE SI
SK TR

Description, pages:

1-25 as originally filed

Claims, No.:

1-10 as originally filed

Drawings, sheets:

1/5-5/5 as originally filed

Re Item V

It appears that **claims 1 to 5**, describing a method and a video communication system for improved transmission of scalable video object planes over error-prone networks, fulfill the requirements of the PCT as to novelty and inventive step.

Claims 6 to 8 describe a video communication unit (**claim 6**), a video encoder (**claim 7**), and a video decoder (**claim 8**) respectively, which are "adapted for use in the method of claims 1 to 4 or adapted for use in the communication system of claim 5". However, these claimed entities are not described in terms of their technical features, so that *any* other well known video communication unit, video encoder or video decoder, is in the same way "adapted for use in the methods of any of claims 1 to 4 or adapted for use in the communication system of claim 5". The subject-matter of these claims (as filed) is therefore not novel as such and does not fulfill Article 33(2) PCT.

The same objection as above applies mutatis mutandis against **claims 9 and 10**. These claims describe mobile radio devices comprising a video communication unit or video encoder or video decoder in accordance with claims 6 to 8, which are not new as such, because mobile radio devices having video communication units, video coders or video encoders, are well known. Therefore, the subject-matter of claims 9 and 10 (as filed) is not novel as such and does not fulfill Article 33(2) PCT.